

Appl No. 09/869,618
Amdt. Dated August 27, 2004
Reply to Office Action of December 23, 2004

REMARKS/ARGUMENTS

Please cancel claims 4 – 8 and 18 – 24, which were withdrawn from examination due to a restriction requirement.

112 Rejections

In the Office Action dated August 27, 2004, claims 1 – 3, 13, and 17 were rejected under 35 U.S.C. Section 112, second paragraph as indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. In response to the rejection under 35 U.S.C. Section 112, claims 1, 2, 3, 10, 13, and 17 have been amended. With respect to claim 1 the claim has been amended to clarify the inconsistency between the language in the preamble and portions of the body of the claim and to clarify that the intent is to claim merely the frame. In view of these amendments, the Applicants respectfully request that the rejection of these claims under 35 U.S.C. Section 112 be withdrawn.

102 Rejections

Claims 1, 9, 13, and 16 were rejected under 35 U.S.C. Section 102(b) as anticipated by U.S. Patent Number 3,788,490 to Featherman. In response, claims 1 and 9 have been amended to clarify that the hook-shaped member inserted into the aperture of the side members is slid horizontally relative to the aperture until the hook extends along a wall of the side member behind a web of the side member. Support for the amendment is found on page 4 of the application as filed between lines 13 and 19. Essentially, inserting the hook shaped member requires a first movement back through the hole and a second horizontally, until the hook extends along the wall of the side member.

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As discussed in a telephone interview dated November 30, 2004, the shelving system disclosed by Featherman does not include a hook-shaped member which extends along a wall of the side member behind a web of the side member. Featherman, rather, shows an aperture formed in a member which is at a ninety degree angle to the hook when the hook is inserted into the aperture. The hook is inserted horizontally, directly into the aperture, rather requiring the two motions described above. As the hook is inserted, it does not extend along a wall of the member or behind a web of the member. In view of this distinction, the claims are believed to be distinguished over Featherman, and the Applicants respectfully request that a Notice of Allowance be issued for claims 1 - 3 and 9 - 17.

Conclusion

After the amendment, claims 1 - 3 and 9 - 17 are pending in the application. These claims are believed to be in condition for allowance, and the Applicants therefore respectfully request that a notice of allowance be issued for these claims.

If any issues remain, however, the Examiner is invited to contact the undersigned at the telephone number below.

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The Commissioner is authorized to charge any fees under 37 C.F.R. Section 1.17 that may be due on this application to Deposit Account 17-0055. The Commissioner is also authorized to treat this amendment and any future reply in this matter requiring a petition for an extension of time as incorporating a petition for extension of time for the appropriate length of time as provided by 37 C.F.R. § 136(a)(3).

Respectfully submitted,

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